

Order

Michigan Supreme Court
Lansing, Michigan

February 28, 2014

Robert P. Young, Jr.,
Chief Justice

148371

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 148371
COA: 318595
Oakland CC: 2013-009939-AR

TAMARA LYNN BOURGEAU,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the November 15, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court for consideration, as on leave granted, of the prosecutor's argument that the 52-2nd District Court erred in directing the prosecutor to produce all of the evidence listed in its June 6, 2013 order. The prosecutor properly sought to appeal the district court ruling directing the production of certain materials. The issue was ripe for consideration, and it would be improper for the prosecutor to refuse to comply with the order instead of seeking to appeal the order. See *State Bar of Michigan v Cramer*, 399 Mich 116, 125 (1976), citing *Maness v Meyers*, 419 US 449, 458-459; 95 S Ct 584; 42 L Ed 2d 574 (1975).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 28, 2014


Clerk